

### III. On-The-Job Training Program (OJT)

#### A. *Purpose and Background*

The purpose and intent of the On-the-Job Training (OJT) program is to increase minority and female representation in the highway construction industry. Washington State is one of the few states that includes training as a contract bid item on federally funded contracts. As part of their contractual agreement, contractors are required to provide on-the-job training aimed at developing and upgrading women and minorities toward full journey level status in construction trades.

The training commitment is not intended to be discriminatory against any applicant, whether a minority group member or not. It is intended, however, to increase participation of groups which are traditionally underrepresented in the construction trades.

#### B. *Program Administration*

##### 1. Goal Setting

On federally funded projects, trainee and training hour goals are established by headquarters and based on several criteria. The considerations are:

- Type of work — material intensive or labor intensive
- The duration of the contract
- Geographical location of the contract
- The dollar amount

The contractor is required to comply with both the number of trainees and the number of training hours assigned. If the contractor subcontracts a portion of the contract work, the contractor shall determine how many, if any, trainees are to be trained by the subcontractor and the hours they are to be assigned. If the subcontractor fails to complete their assigned training hours, the prime contractor is still responsible for addressing those hours.

**The prime contractor has the primary responsibility for meeting the training requirements.**

## 2. Training Program Approval Process

The approval process begins at the preconstruction conference at which time the contractor is responsible for submitting a completed training program (DOT Form 272-049) to the engineer for approval (see Attachment 1). The training program must contain the trade or trades proposed to accomplish the training item in the contract, the number of trainees and hours assigned to the trade, and the estimated beginning work date for the trainees.

Acceptable training programs include:

- Programs that are SATC/BAT approved
- Non-SATC/BAT programs approved by FHWA/WSDOT for the specific project

### a. Apprenticeship Training

Apprenticeship programs include those programs which are registered with a Washington State Department of Labor — State Apprenticeship Training Council (SATC) approved apprenticeship agreement.

- These programs consist of an individual written agreement between an employer and apprentice, or between an employer and a group of employees.
- Apprentices are trained according to the accepted curriculum of training approved by the SATC.

*Note:* WAC 296-04-160 provides that SATC committees are expected to provide equal apprenticeship and training opportunities for employers not participating in the program.

Also recognized are apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).

### b. Open Shop Training/Federal Concurrence

Federal approval must be obtained for any non-SATC/BAT approved training programs for projects on interstates. These programs must contain a detailed listing of program

components as listed on the Training Program Form 272-049, Section III, A-E (see Attachment 2).

*Minimum Qualifications* — The contractor shall establish minimum qualifications for persons entering the training program. (No employee shall be employed as a trainee in any classification in which he/she has successfully completed a training course leading to journey level status or in which he/she has been employed as a journey level worker.)

*Work Skills* — An outline of the work processes in which the trainee will receive supervised work experience and training on-the-job and the allocation of the approximate time to be spent in each major process shall be set forth in these standards.

*Terms of Training* — The term of the training (the number of hours required for completion to journey-level status — not to exceed 1,000 hours for any one individual) shall be stated in hours.

*Program Monitoring* — The method for recording and reporting the training completed shall be stated herein. Contractors should maintain a record as to the trainee's progress in the training program.

*Ratio of Trainees* — A numeric ratio of trainees to journey-level workers shall be established. It shall be consistent with prior supervision, training, safety, and continuity of employment. The ratio language shall be specific and clear as to application in terms of job site and work force during normal operations (considered to fall between 1:10 and 1:4).

*Note: Work Skills* — This item is most frequently addressed incorrectly on open shop training programs. It is necessary for the contractor to provide an outline of the work processes in which the trainee will receive supervised work experience and training. The contractor must indicate approximate hours to be spent in each major process. The hours must equal the total number of hours assigned to the individual trainee.

c. Allowable Training

The intent of the OJT program is to provide training in the construction crafts rather than clerk-typist or secretarial-type positions. Training is permissible in lower level management positions, such as office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications.

*Note:* Field supervisory personnel are not eligible to participate in the program.

d. Off-site Training

Some off-site training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training. Notification of off-site training will be approved on a case-by-case basis.

3. Trainee Approval

After approval of the training program, information concerning each individual trainee and good faith effort documentation shall be submitted on DOT Form 272-050 in a timely manner (see Attachment 3). The form should include the information requested:

- Name of trainee
- Social Security Number
- Ethnic background
- Classification to be trained
- Any previous hours completed on other WSDOT contracts

When a SATC/BAT apprentice/trainee is first enrolled, a copy of the apprentice/trainee's certificate showing apprenticeship registration must accompany the Trainee Approval Request.

a. Substantial Compliance

Although the OJT program is specifically designed to increase minority and female participation in the construction industry, it is not intended to be discriminatory. The contractor/subcontractor may utilize a non-minority male trainee if otherwise in compliance with the contract's EEO and OJT requirements and further provides documentation as to the efforts taken to fill the specific training position with either minorities or females.

b. Good Faith Effort — Contractor Recruitment

Training and upgrading of minorities and women toward journey level status is a primary objective of the training provisions. **The contractor must make every effort to enroll minority and women trainees to the extent such persons are available within a reasonable area of recruitment in regard to the position in question.** The contractors should also make every effort in promoting the enrollment and employment of minorities and females in the craft in which the proposed trainee is to be trained. When the unions are unable to supply contractors who are signatory to bargaining agreements with a reasonable flow of minority and/or female individuals, WSDOT's Standard Specifications require the contractor to furnish evidence of his/her systematic and direct recruitment efforts.

The following documentation is acceptable to substantiate systematic and direct recruitment efforts by the contractor (Extracted from 1994 Standard Specification 1-07.11(7) A-3):

- (1) Written notification to minority and female recruitment sources and community organizations of employment openings. These can include: state employment agencies, schools, colleges and minority and women organizations.
- (2) Documentation of efforts and results of efforts to employ minorities and females.
- (3) Documentation of efforts of participation in developing minority and female on-the-job training opportunities, including upgrading programs and apprenticeship.

- (4) Written notices to unions and training programs requesting cooperation in achieving employment goals.

Systematic and direct recruitment efforts must be through public and private sources likely to yield minority and female trainees. Such documentation must be submitted in a timely manner.

c. Limitation on Individual Training

- Training hours for one individual do not exceed 1,000 hours and are not less than 20.
- Flagging tasks are allowed at a maximum of 200 hours for any one individual.
- Hours can be extended for an approved SATC/BAT apprentice on a case-by-case basis.
- Trainees in a non-SATC/BAT approved program are limited to 1,000 hours total for all WSDOT contracts.
- Hours will not be allowed for trainees who have achieved journey level status.

d. Ethnic Verification

When there is a questionable ethnic claim concerning an individual submitted for participation in the OJT program, further documentation of that claim may be necessary to ensure continued eligibility.

Acceptable documentation for ethnicity verification includes, in order of preference:

- Birth certificate
- Naturalization papers
- If a Native American; Indian tribal roll, tribal voter registration certificate, or other official document.
- History of individual having held himself to be a member of the minority group or community (driver's license, school, medical, and service records may help).

- Recognition of applicant in a particular minority community as a minority through sworn and notarized statements from bona fide members of the community who are clearly disinterested parties.
- Proof of membership and interaction in recognized minority organizations.

If requested, the contractor will be required to obtain this information from the employee claiming the minority status.

If an individual requesting minority status cannot provide acceptable documentation and does not manifest the visual characteristics of the ethnic group claimed, the individual cannot claim minority status for the purpose of the OJT program or for EEO compliance reports.

e. Beneficial Training

The contractor shall provide on-the-job training aimed at developing or contributing to full journey level status in the type of trade involved. Training shall be consistent with the trainee's SATC/BAT approved apprenticeship program or the open shop contractor's WSDOT/FHWA approved training program. Training tasks must also be consistent with the trainee's approved trade classification for the specific contract.

It is normally expected that the trainee will begin training on the project as soon as is feasible after start of work, utilizing the skill involved and remaining on the project as long as training opportunities exist in the work classification or until the completion of the training program.

Some of the problems encountered are:

- Trainees utilized in other craft classifications than designated in their approved training program.
- Trainees who are not provided training on all aspects of their craft, e.g., women laborers used only as flaggers, operator trainees used only on one piece of equipment.

#### 4. Training Reimbursement

- Contractor submits certified invoice requesting payment for training.
- Payment will be made for each hour of training for each trainee who is trained according to an approved program.
- Training will not be reimbursed if the contractor fails to:
  - Provide adequate and beneficial training.
  - Retain the trainee as a journey level worker.
- Overrun hours of the training item must not exceed 25 percent of the contract quantity or 500 hours, whichever is least.
- Change orders may be submitted to increase the training hours assigned to a contract, however, such request will be approved on a case-by-case basis.
- Training hour assignment can be increased for a SATC/BAT approved apprentice on a case-by-case basis, but not to exceed their attainment of journey level status, and only when beneficial and well-rounded training can be assured.

#### 5. Wage Progression

- Trainees participating in a SATC/BAT approved apprenticeship program will be paid applicable ratios or wage progressions approved by the Washington State Department of Labor and Industries.
- Trainees participating in a non-SATC/BAT approved training program shall be paid the prevailing wage for journey workers in their craft.

### C. *Program Monitoring*

#### 1. Trainee Field Interviews (see Attachment 5)

WSDOT conducts on-site trainee interviews to ensure that trainees are working and receiving beneficial training. Training must be consistent with the approved training program, and assist the individual in attaining journey level status.



On-site interviews should assess:

- Beneficial training
- Ethnicity verification
- Work place environment

If problems are noted, WSDOT will notify the contractor and ask them to address the problem.

## 2. Underruns

Training report is run monthly by headquarters and copies sent to the region. The Regional EEO Officer notes any training hour accomplishment problems.

- The percentage of training hours completed should approximately equal the percentage of time elapsed on the contract and dollars expended.
- If there are deficiencies, the contractor must provide a corrective action plan.

## D. *Training Noncompliance/Sanctions*

1. Progress payments may be withheld for failing to comply with the OJT program requirement.
2. Failure to satisfactorily comply with the OJT requirement will be reflected in the contractor's performance evaluation.

## E. *Miscellaneous Issues*

### 1. Annual Training Report

The OJT report, form DOT 272-060, Federal Highway Construction Annual Training Report is to be completed annually by the project engineer or a designee summarizing the training accomplishments by the individual trainees during the reporting period beginning June 1 of the previous year and ending May 31 of the current year. This report is due at the regional office by June 10 (see Attachment 5).

## 2. Continued Trainee Employment

The contractor is responsible not only for providing meaningful and beneficial training to trainees employed, but also for retaining the trainees on the project as long as training opportunities exist in the work classification or until the completion of the training program. The contractor must also strive to retain the trainee as a journey level worker.

### **OJT Support Services**

WSDOT's OJT Supportive Services Consultant provides statewide assistance to women, minorities, and disadvantaged individuals who wish to enter the highway construction industry.

#### WSDOT Support Services Program Goals

- Place new enrollees in job training.
- Assist individuals already in training and apprenticeship programs with job placements.
- Provide referral and screening services to contractors.
- Act as liaison between contractors and the unions.
- Act as liaison between individuals and the unions.
- Assist community organizations in placing unemployed youth.

All services are provided at no cost to individuals or organizations.